

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 28, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 125, 1/21/2009; HB 295,
1/21/2009; HB 200, 1/21/2009
Executive Action: SB 10, SB 125

00:01:07 Sen. Shockley
00:01:10 Chairman Stoker

HEARING ON SB 125

Opening Statement by Sponsor:

00:01:13 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 125, Clarify composition of judicial nomination
commission.

00:02:38 Chairman Stoker

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:03:03 Sen. Shockley
00:03:07 Chairman Stoker

HEARING ON HB 200

Opening Statement by Sponsor:

00:03:52 Rep. Janna Taylor (R), HD 11, opened the hearing on
HB 200, Revise criminal accountability.

00:05:12 Chairman Stoker

Proponents' Testimony:

00:05:21 Sen. John Brueggeman, SD 6
00:06:58 Chairman Stoker
00:07:01 Rep. John Fleming, HD 12
00:07:58 Chairman Stoker
00:08:09 Joan Sherman

EXHIBIT(juh20a01)

00:10:17 Chairman Stoker
00:10:39 David Carter, Deputy County Attorney, Yellowstone
County

EXHIBIT(juh20a02)

00:12:59 Chairman Stoker
00:13:30 Mr. Carter

00:15:24 Chairman Stoker
00:15:28 Kermit Andersen
00:16:32 Chairman Stoker

Opponents' Testimony:

00:16:54 Niki Zupanic, ACLU of Montana
00:19:55 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:15 Rep. Blewett
00:20:56 Mr. Carter
00:22:07 Rep. Blewett
00:22:12 Chairman Stoker
00:22:13 Rep. More
00:22:50 Mr. Carter
00:23:52 Rep. More
00:23:53 Chairman Stoker
00:24:01 Rep. Regier
00:24:20 Mr. Carter
00:25:17 Chairman Stoker
00:25:19 Rep. Wagner
00:26:04 Mr. Carter
00:27:38 Rep. Wagner
00:28:09 Mr. Carter
00:29:07 Chairman Stoker
00:29:13 Rep. Wagner
00:30:06 Mr. Carter
00:31:29 Rep. Wagner
00:31:31 Chairman Stoker
00:31:32 Rep. Ebinger
00:31:57 Mr. Carter
00:34:19 Rep. Ebinger
00:34:21 Chairman Stoker
00:34:22 Rep. Howard
00:34:57 Mr. Carter
00:34:58 Rep. Howard
00:35:14 Mr. Carter
00:35:17 Chairman Stoker
00:35:21 Rep. Peterson
00:36:02 Mr. Carter
00:37:17 Chairman Stoker
00:37:20 Rep. Blewett
00:37:57 Mr. Carter
00:38:12 Rep. Blewett
00:38:22 Mr. Carter
00:38:57 Chairman Stoker

00:39:01 Rep. Menahan
00:39:44 Mr. Carter
00:42:39 Rep. Menahan
00:43:41 Mr. Carter
00:46:28 Chairman Stoker
00:46:31 Rep. MacDonald
00:47:02 Mr. Carter
00:49:55 Chairman Stoker
00:49:57 Rep. More
00:50:12 Mr. Carter
00:50:20 Rep. More
00:50:21 Chairman Stoker
00:50:23 Rep. Regier
00:51:01 Mr. Carter
00:52:03 Chairman Stoker

Closing by Sponsor:

00:52:12 Rep. Taylor

00:54:14 Recess
01:05:41 Reconvene

HEARING ON HB 295

Opening Statement by Sponsor:

01:06:06 Rep. Mike Menahan (D), HD 82, opened the hearing on
HB 295, Allow admissibility of other crimes in child
sex crimes.

01:17:51 Chairman Stoker

Proponents' Testimony:

01:18:02 Brant Light, Attorney General's Office
[EXHIBIT\(juh20a03\)](#)
[EXHIBIT\(juh20a04\)](#)
[EXHIBIT\(juh20a05\)](#)
01:32:15 Chairman Stoker
01:32:30 Ann McKittrick, Deputy County Attorney, Yellowstone
County
[EXHIBIT\(juh20a06\)](#)
01:51:17 Chairman Stoker
01:51:29 Greg Trude, Executive Director, Right to Life of
Montana
01:53:24 Chairman Stoker
01:53:31 Judy Reel, Montana Coalition Against Domestic and
Sexual Violence
01:53:53 Chairman Stoker

Opponents' Testimony:

01:54:04 Niki Zupanic, ACLU of Montana

01:57:22 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

01:57:39 Rep. Becker

01:58:13 Ms. McKittrick

01:58:32 Rep. Becker

01:58:48 Ms. McKittrick

01:59:27 Chairman Stoker

01:59:28 Rep. Kottel

01:59:35 Mr. Light

01:59:36 Rep. Kottel

02:00:28 Mr. Light

02:02:03 Rep. Kottel

02:02:05 Chairman Stoker

02:02:07 Rep. Peterson

02:02:28 Ms. McKittrick

02:02:38 Rep. Peterson

02:02:52 Ms. McKittrick

02:03:13 Rep. Peterson

02:03:26 Ms. McKittrick

02:04:14 Rep. Peterson

02:04:55 Ms. McKittrick

02:05:00 Rep. Peterson

02:05:05 Ms. McKittrick

02:05:48 Rep. Peterson

02:05:49 Ms. McKittrick

02:05:57 Rep. Peterson

02:06:10 Ms. McKittrick

02:06:29 Rep. Peterson

02:07:17 Ms. McKittrick

02:08:29 Rep. Peterson

02:09:10 Ms. McKittrick

02:09:19 Chairman Stoker

02:09:26 Rep. Wagner

02:10:49 Ms. McKittrick

02:10:56 Rep. Wagner

02:11:38 Ms. McKittrick

02:13:23 Rep. Wagner

02:14:30 Ms. McKittrick

02:17:36 Rep. Wagner

02:18:03 Ms. McKittrick

02:18:11 Rep. Wagner

02:18:13 Chairman Stoker

02:18:14 Rep. Blewett

02:18:59 Ms. McKittrick
02:19:49 Chairman Stoker

Closing by Sponsor:

02:20:00 Rep. Menahan
02:28:14 Chairman Stoker
02:28:27 Rep. More
02:28:36 Rep. Menahan
02:28:59 Chairman Stoker

EXECUTIVE ACTION ON SB 125

02:29:17 **Motion/Vote:** Rep. Peterson moved that **SB 125 BE CONCURRED IN.**

02:29:22 Chairman Stoker
02:29:29 Rep. Kottel
02:29:33 Rep. Peterson called the question on SB 125.

02:29:37 **Vote:** Motion that **SB 125 BE CONCURRED IN** carried 17-1 by voice vote with Rep. Wagner voting no.

EXECUTIVE ACTION ON SB 10

02:30:37 **Motion:** Rep. Peterson moved that **SB 10 BE CONCURRED IN.**

Discussion:

02:30:37 Chairman Stoker
02:31:05 Rep. Peterson called the question.

02:31:09 **Vote:** Motion that **SB 10 BE CONCURRED IN** carried unanimously by voice vote.

02:31:52 Mr. Niss
02:31:58 Chairman Stoker
02:32:05 Rep. Kottel
02:32:13 Chairman Stoker
02:34:01 Rep. Kerns
02:34:07 Chairman Stoker
02:34:21 Rep. Kerns
02:34:23 Rep. Kottel
02:34:25 Chairman Stoker
02:34:37 Rep. Kottel
02:34:56 Rep. Menahan
02:35:21 Chairman Stoker
02:35:44 Rep. Kottel

02:36:15 Chairman Stoker

02:36:18 Rep. Peterson

02:36:28 Chairman Stoker

02:36:55 Rep. Kottel

ADJOURNMENT

02:37:06 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

EXHIBIT ([juh20aad.pdf](#))